

REMARKS

Reconsideration of this application as amended is respectfully requested. An RCE accompanies this Amendment.

Claims 92, 94, 100, 102, 108-112, 119, 131-135, 139, 141, and 161 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,118,864 of Chang et al. ("Chang") in view of U.S. Patent No. 5,940,479 of Guy et al. ("Guy") and U.S. Patent No. 4,623,760 and Binkerd et al. ("Binkerd").

Claims 93, 101, 113-114, and 162 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Guy, Binkerd, and U.S. Patent No. 5,793,858 of Meubus et al. ("Meubus").

Claims 95-97, 103-105, 116-118, 136-138, and 164-166 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Guy, Binkerd, and U.S. Patent No. 5,305,308 of English et al. ("English").

Claims 106-107 and 166-168 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Guy and Binkerd and U.S. Patent No. 5,812,541 of Fuentes ("Fuentes") or U.S. Patent No. 5,970,066 of Lowry et al. ("Lowry").

Claim 140 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Guy and Binkerd and U.S. Patent No. 6,208,627 of Menon et al. ("Menon").

Claims 92, 93, 100, 101, 107, 108, 117, 118, 161, and 162 have been amended. Claims 113, 114, and 131-141 have been canceled. Applicants respectfully submit that no new matter has been added.

Applicants reserve all rights with respect to the applicability of the doctrine of equivalents.

Applicants respectfully submit that amended claim 92 is not obvious under 35 U.S.C. § 103(a) in view of Chang, Guy, and Binkerd. Chang, Guy, and Binkerd do not teach or suggest a combination with each other. It would be impermissible hindsight, based on applicant's own disclosure, to combine Chang, Guy, and Binkerd. Indeed, Chang teaches away from amended claim 92 given that Chang discloses "playing a voice prompt which indicates to the caller that the attempted voice-over-IP call to the call recipient returned with an RNA/busy status." (Chang Col. 16, lines 33-35). This contrasts with the reference in amended claim 92 to "creating an 'on-hook' signal."

Moreover, even if Chang, Guy, and Binkerd were combined, the combination would lack the limitation of amended claim 92 of "starting a configurable timer of a voice over packet data network switched call control system." Chang, for example, does not disclose a configurable timer.

Furthermore, the combination of Chang, Guy, and Binkerd fails to disclose the limitation of amended claim 92 of "creating an 'on-hook' signal at said telephone interface maintained by said system as a consequence of said system having received said control message over the packet data network." Binkerd fails to disclose a packet

data network or a control message received over a packet data network. Accordingly, Binkerd fails to disclose creating an on-hook signal at the telephone interface maintained by the system as a consequence of the system having received the control message over the packet data network. Applicants respectfully submit that the Examiner's reliance on Binkerd is misplaced given that Binkerd differs from amended claim 92 in how the on-hook signal is created. The deficiencies of Binkerd are not made up for by Chang or Guy.

Applicants respectfully submit that adding Meubus to Chang, Guy, and Binkerd would not render amended claim 92 obvious under 35 U.S.C. § 103(a). The RNA timer referred to in Meubus is not of a voice over packet data network switched control system. Moreover, Meubus does not teach or suggest a combination with Chang, Guy, and Binkerd and such a four-reference combination would be based on impermissible hindsight based on applicant's own disclosure.

Given that dependent claims 93-99 depend from amended claim 92, applicants respectfully submit that claims 93-99 are not obvious under 35 U.S.C. § 103(a).

For reasons similar to those expressed above with respect to amended claims 92, applicants respectfully submit that amended independent claims 100, 108, and 161 are not obvious under 35 U.S.C. § 103(a) in view of Chang, Guy, and Binkerd, or in view of Chang, Guy, and Binkerd and Meubus.

Given that (1) dependent claims 101-107 depend from amended claim 100, (2) dependent claims 109-119 depend from amended claim 108, and (3) dependent claims

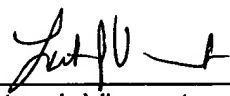
162-168 depend from amended claim 161, applicants submit that those dependent claims are not obvious under 35 U.S.C. § 103(a).

Applicants therefore respectfully submit that the applicable rejections and objections have been overcome.

If there are any charges not covered by any checks submitted, please charge Deposit Account No. 02-2666.

Respectfully submitted,

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